1 Peter T. Haven (SBN 175048) **HAVEN LAW** 1230 Rosecrans Avenue, Suite 300 Manhattan Beach, California 90266 Tel: (213) 842-4617 Fax: (213) 477-2137 4 Email: peter@havenlaw.com 5 Attorney for Defendant MICHAEL R. PAPAYANS 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION 10 11 CORY SPENCER, an individual; Case No. 2:16-cv-02129-SJO-RAO DIANA MILENA REED, an individual; and COASTAL **12** STATEMENT OF PROTECTION RANGERS, INC., a UNCONTROVERTED FACTS AND 13 California non-profit public benefit CONCLUSIONS OF LAW corporation; 14 Plaintiffs, [Fed. Rules Civ. Proc., Rule 56] Local Rule 56-1] **15** LUNADA BAY BOYS: THE **16** INDIVIDUAL MEMBERS OF THE Date: August 21, 2017 LUNADA BAY BOYS, including but Time: 10:00 a.m. 17 not limited to SANG LEE, BRANT Courtroom 10C Place: BLAKEMAN, ALAN JOHNSTON aka 350 W. 1st Street 18 JALIAN JOHNSTON, MICHAEL Los Angeles, California 90012 RAE PAPAYANS, ANGELO 19 FERRARA, FRANK FERRARA, Hon, S. James Otero CHARLIE FERRARA, and N.F.; CITY 20 OF PALOS VERDES ESTATES CHIEF OF POLICE JEFF KEPLEY, in 21 his representative capacity; and DOES 1 -10,22 Defendants. 23 Pursuant to Central District of California Rule 56-1, Defendant MICHAEL R. 24 PAPAYANS, as the moving party in the concurrently filed motion for summary judgment, submits this proposed "Statement of Uncontroverted Facts and 26 Conclusions of Law" and proposed Judgment. 27 28

DEFENDANT PAPAYANS' STATEMENT OF UNCONTROVERTED FACTS & CONCLUSIONS OF LAW

UNCONTROVERTED FACTS 1 2 Plaintiff Corey Spencer did not see Defendant Michael Papayans at 1. 3 Lunada Bay. 4 [Decl. of Peter T. Haven ("Haven Decl."), ¶ 3, Exhibit 1, Depo. of 5 Plaintiff Cory Eldon Spencer ("Spencer Depo."), 323:7-16, 324:18-23.] 6 7 2. Spencer does not know if Papayans was at Lunada Bay when Spencer 8 was at Lunada Bay. 9 [Haven Decl., ¶ 3, Exhibit 1, Spencer Depo., 324:18-23.] 10 11 3. Plaintiff Diana Reed did not see Papayans at Lunada Bay. 12 [Haven Decl., ¶ 4, Exhibit 2, Deposition of Diana Milena Reed ("Reed 13 Depo."), 370:18 – 371:2.] 14 15 Reed has not had a personal encounter with Papayans. 4. 16 [Haven Decl., ¶ 4, Exhibit 2, Reed Depo., 372:1-5.] 17 18 **CONCLUSIONS OF LAW** 19 20 21 1. Plaintiffs Corey Spencer, Diana Reed, and Coastal Protection Rangers, Inc. (collectively "Plaintiffs") do not have evidence sufficient to prove that 22 Defendant Papayans committed a battery upon Plaintiffs. 23 24 2. Plaintiffs do not have evidence sufficient to prove that Defendant 25 Papayans committed an assault upon Plaintiffs. 26 27

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1	3. Plaintiffs do not have evidence sufficient to prove that Defendant
2	Papayans was negligent toward Plaintiffs.
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4	4. Plaintiffs do not have evidence sufficient to prove that Defendant
5	Papayans committed acts of public nuisance against Plaintiffs.
6	
7	5. Plaintiffs do not have evidence sufficient to prove that Defendant
8	Papayans interfered with or attempted to interfere with Plaintiffs exercise or
9	enjoyment of federal or state constitutional rights in violation of California's Bane
10	Act, California Civil Code § 52.1(b).
11	
12	6. Judgment should be entered favor of Defendant Papayans forthwith.
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14	Submitted by:
15	DATED: July 24, 2017 HAVEN LAW
16	Dyy /g/ Doton T. Hoyon
17	By: /s/ Peter T. Haven Peter T. Haven
18	Attorney for Defendant MICHAEL R. PAPAYANS
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21	PROPOSED JUDGMENT
22	After consideration of the papers in support of and in opposition to Defendant
23	Michael Papayans' motion for summary judgment and the oral argument of counsel,
24	this court orders summary judgment in favor of Defendant Michael Papayans.
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26	DATED: Hon. S. James Otero
27	United States District Court Judge
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	DEFENDANT PAPAYANS' STATEMENT OF UNCONTROVERTED FACTS & CONCLUSIONS OF LAW